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*Attorneys for the Cortez Plaintiffs and the Proposed Class*

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

*IN RE: BLACKHAWK NETWORK DATA  
BREACH LITIGATION*

This Document Relates To:  
3:22-cv-7492-CRB (Cortez)

Case No.: 3:22-cv-07084-CRB  
Hon. Charles R. Breyer, Courtroom 6, 17<sup>th</sup> Floor

**NOTICE OF MOTION AND MOTION TO  
EXPEDITE BRIEFING SCHEDULE ON  
PLAINTIFFS' MOTION FOR  
IMPOSITION OF RULE 7 APPEAL BOND  
AGAINST OBJECTORS AND  
APPELLANTS MIRIAM "MABEL"  
BROWN AND DAVID LOPEZ**

**Hearing Date: November 15, 2024**  
**Time: 10:00 a.m.**  
**CR: 6**

**NOTICE OF MOTION AND MOTION**

**TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:**

Pursuant to Civil Local Rule 6-3, on November 15, 2024 in Courtroom 6 of the above-entitled Court, Plaintiffs in the above captioned action *In Re: Blackhawk Network Data Breach Litigation* (“the Action”) will and hereby do move for an Order to expedite the briefing schedule for the Plaintiffs’ Motion for Imposition of Federal Rule of Appellate Procedure Rule 7 Appeal Bond against Objectors and Appellants Miriam “Mabel” Brown and David Lopez (collectively, “Objectors-Appellants”) and, if the Court decides that a hearing on the motion is necessary, to schedule a hearing on the motion at the Court’s earliest convenience.

Plaintiffs are concerned that, absent relief, Plaintiffs and the Settlement Class will incur substantial, unrecoverable costs related to responding to Objectors-Appellants’ appeal. Expediting the briefing schedule will allow the Court to impose an appeal bond on Objectors-Appellants at an earlier date, creating greater financial security for Plaintiffs as they continue to address the Objectors-Appellants’ appeals, which were are frivolous, meritless, and vexatious.

Therefore, Plaintiffs ask the Court to set an expedited schedule, with Ms. Brown’s and Mr. Lopez’s response(s) to Plaintiffs’ Bond Motion due by October 15, 2024. If the Court decides that a hearing on the Bond is necessary, Plaintiffs request that the hearing take place on November 15, 2024, or such other date available to the Court. In support of this motion, Plaintiffs state as follows:

- 1. Given the nature of Objectors-Appellants’ appeal, Plaintiffs are beginning the process of attempting to resolve the appeals quickly by moving for sanctions and summary disposition in the Ninth Circuit. At the same time, Plaintiffs are aware that resolution of any appeal can take years. To account for that possibility, Plaintiffs seek the security that would be afforded them by the imposition of a Rule 7 appeal bond against Objectors-Appellants.**
- 2. If the Court does not expedite the briefing on the Bond Motion, Plaintiffs will be forced to continue to incur substantial costs**

1 responding to the frivolous appeal, as well as the resulting  
2 administrative costs, without any assurance that they will be able to  
3 recover those costs if the appeal is denied. Because Local Rule 7-2  
4 requires all motions to be notice for hearing no less than thirty-five (35)  
5 days after the filing of the motion, the earliest date that Plaintiffs' Bond  
6 motion could be heard is November 15, 2024. Plaintiffs respectfully  
7 request that Ms. Brown and Mr. Lopez not be allowed to draw this  
8 matter out to that date and beyond without being required to  
9 post a Rule 7 appeal bond.

- 10 **3. Shortening the briefing and hearing schedule on the Bond Motion**  
11 **would not affect any other pending matters in this case, as the Court**  
12 **has already entered final judgment. Other than the Bond Motion, only**  
13 **Objectors-Appellants' appeal remains at issue in the Action.**

14 For the above reasons, Plaintiffs respectfully request that the Court grant Plaintiffs' motion  
15 and enter Plaintiffs' Proposed Order expediting the briefing schedule.

16 DATED: October 1, 2024

Respectfully submitted,

17 **BRADLEY/GROMBACHER LLP**

18 By: /s/ Kiley L. Grombacher

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